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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 72

RIN 3067-AC88

National Flood Insurance Programs; Procedures and Fees for
Processing Map Changes

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule revises the National Flood Insurance program (NFIP) regulations concerning the procedures and fees for processing changes to NFIP maps by removing the fee payment requirements for processing certain changes. Under this rule, map change requests based on flood hazard information meant to improve upon that shown on the flood map or within the flood study will be exempt from review and processing fees. Improvements to flood maps or studies, which partially or wholly incorporate man-made modifications within the special flood hazard area, will not be exempt from review and processing fees.

EFFECTIVE DATE: This rule is effective on September 23, 1999.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This final rule revises the NFIP regulation governing fee requirements for processing certain changes to NFIP maps.

We established the current fee requirements under a final rule published in the Federal Register on February 6, 1997, 62 FR 5734.

Under current standards, request are exempt from submitting review and processing fees for:

- (a) Requests for map changes based on mapping or study analysis errors;
- (b) Requests for map changes based on the effects of natural changes within Special Flood Hazard Areas (SFHAs);
- (c) Request for a Letter of Map Amendment (LOMA);
- (d) Requests for map changes based on federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded;
- (e) Requests for map changes based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective Flood Insurance Rate Map (FIRM).

This rule maintains the fee exemptions for map change requests in Items (a) through (e) above, and adds a new exemption in subsection 72.5(f), which exempts requesters from paying review and processing fees when the aim of the request is to improve flood hazard information shown on the flood map or within the flood study. Proposed improvements to the flood hazard information that partially or wholly incorporate man-made modifications within the special flood hazard area will not be exempt from review and processing fees.

These final revisions to the NFIP regulations are a result of our continuing reappraisal of the NFIP in order to achieve greater administrative and fiscal effectiveness and to encourage sound floodplain management.

Administrative Procedure Act Determination

We are publishing this final rule without opportunity for prior public comment under the Administrative Procedure act, having determined that it is a rule of agency procedure or practice excepted under 5 U.S.C. 553(b)(A). We are further making this rule effective immediately upon publication in the Federal Register under 5 U.S.C. 553(d)(1), for substantive rules that grant or recognize an exemption.

National Environmental Policy Act

44 CFR Part 10, Environmental Consideration categorically excludes this final rule from its requirements. We have not prepared an environmental impact assessment.
Regulatory Flexibility Act

As Director, I certify that this final rule does not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. et seq., because it is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities, nor (2) to create any additional burden on small entities. We have not prepared a regulatory flexibility analysis.

Paperwork Reduction Act

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12866, Regulatory Planning and Review

42 U.S.C. 4014(f), Promulgation of this final rule is required by statute, which also specifies the regulatory approach taken in the final rule. To the extent possible under the statutory requirements of 42 U.S.C. 4014(f), this final rule adheres to the principles of regulation as set forth in Executive Order 12866, Regulatory Planning and Review.

Congressional Review of Agency Rulemaking

We have sent this final rule to the U.S. Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801 et seq. The rule is not a "major rule" within the meaning of that Act. It does not result in, nor is it likely to result in an annual effect on the economy of \$100,000,000 or more. It will not result in a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

This final rule is exempt (1) From the requirements of the Regulatory Flexibility Act, as certified previously, and (2) from the Paperwork Reduction Act.

This rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4. The rule does not meet the \$100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 72

Administrative practice and procedure, Flood insurance, Floodplains, and Reporting and record keeping requirements.

Accordingly, we amend Part 72 as follows:

PART 72--PROCEDURES AND FEES FOR PROCESSING MAP CHANGES

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

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2. We revise section 72.5 to read as follows:

Sec. 72.5 - Exemptions.

Requesters are exempt from submitting review and processing fees for:

- (a) Requests for map changes based on mapping or study analysis errors;
- (b) Requests for map changes based on the effects of natural changes within SFHA's;
- (c) Requests for a Letter of Map Amendment (LOMA);
- (d) Requests for map changes based on federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded;
- (e) Requests for map changes based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective FIRM; and
- (f) Requests for map changes based on flood hazard information meant to improve upon that shown on the flood map or within the flood study will be exempt from review and processing fees. Improvements to

flood maps or studies that partially or wholly incorporate man-made modifications within the special flood hazard area will not be exempt from review and processing fees.

Dated: September 9, 1999.

James L. Witt,

Director.

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